

IN THE UNITED STATES DISTRICT COURT
FOR THE DELAWARE OF DELAWARE

EPIC TECH, LLC,

Plaintiff,

v.

Civil Action No. 1:23-cv-00118-RGA

VGW LUCKYLAND, INC., and
VGW HOLDINGS US, INC.,

Defendants.

DECLARATION OF KELLY O. WALLACE

1.

My name is Kelly O. Wallace. I am over the age of 18 and am competent in all respects to make this declaration. I make this declaration on the basis of my own personal knowledge and in my capacity as counsel for Epic Tech, LLC (“Epic Tech”).

2.

On May 28, 2024, I used the PACER Case Locator service operated and maintained by the Administrative Office of the U.S. Courts to search for federal court cases in which either defendant in this case – VGW Luckyland, Inc. or VGW Holdings US, Inc. – were identified as a party. To this end, I searched for the character string “VGW” the the name of any party in cases that can be searched by the PACER Case Locator.

3.

Attached hereto as Sub-Exhibit A-1 is a true and correct copy of the results of my search on the PACER Case Locator.

4.

With the exception of approximately four entries that are clearly not either defendant (or a parent company or otherwise related to any defendant), the results from the PACER Case Locator shows that the defendants are (and have been) frequent litigants in the federal courts of the United States.

5.

On May 28, 2024, I also obtained from PACER a copy of the Declaration of Michael Thunder in Support of Motion to Set Aside Partial Default Judgment (the “Florida Thunder Declaration”) which was filed on behalf of Defendant VGW Luckyland, Inc. on July 26, 2023 in the action *Doe v. VGW Malta, Ltd. and VGW Luckyland, Inc.*, Civil Action No. 6:23-cv-01360 in the United States District Court for the Middle District of Florida.

6.

A true and correct copy of the Florida Thunder Declaration (along with its accompanying exhibits) is attached hereto as Sub-Exhibit A-2.

7.

In the Florida Thunder Declaration, the declarant identifies himself as Michael Thunder, the General Counsel of VGW Holdings, Ltd., the parent company of Defendant VGW Luckyland, Inc. Upon information and belief, this is the same Michael Thunder who has provided a declaration in this matter.

8.

At paragraphs 5 through 7 of the Florida Thunder Declaration, Thunder testified that he was aware that there were ongoing issues regarding VGW Luckyland, Inc.’s registered agent in Delaware and the company receiving notice of papers and other materials served on the Defendants’ registered agent in Delaware.

9.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 29th day of May, 2024 in Atlanta, Georgia



Kelly O. Wallace
Partner, Wellborn, Wallace & Mullman, LLC
Georgia Bar Number 734166